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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,356	05/29/2001	Adel A. Zakaria	(Case 15339-US)	6125
30689	7590	02/16/2006	EXAMINER	
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/867,356

Applicant(s)

ZAKARIA, ADEL A.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office Action is the answer to the communication filed on May 29, 2001, which paper has been placed of record in the file.
2. Claims 1-49 are pending in this application.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luke et al (hereinafter Luke), U.S. Patent No. 6,131,087, in view of Tavor et al. (hereinafter Tavor), U.S. Patent No. 6,553,347.

Regarding to claim 1, Luke discloses a computer-implemented system that matches buyers with sellers in order to sell equipment, comprising:

an equipment matching database engine that receives selling criteria data from a seller (figure 1 and column 5, lines 25-40, the system gateway 80 receives offer data from buyers and sellers);

an equipment brokering database connected to the equipment matching database engine that stores the selling criteria data (figure 1 and column 5, lines 53-65, the solicitation database 200 contains all of the transaction solicitations data submitted buy buyers and sellers);

said equipment matching database engine receiving bid criteria data from a buyer, wherein the bid criteria data does not satisfy the selling criteria data (figure 1 and column 5, lines 25-40, the system gateway 80 receives offer data from buyers and sellers).

Luke does not disclose the used equipment. However, buying and selling used equipment over the Internet is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wellman to include the used equipments in the Luke's equipments for the purpose of providing the opportunity for the buyer and seller can purchase and sell the used equipments over the Internet.

Moreover, Luke does not disclose a value adding module connected to the equipment matching engine that determines and adds value from a third party so as to substantially make the bid criteria data satisfy the selling criteria data. However, Tavor discloses a value adding module connected to the equipment matching engine that determines and adds value from a third party so as to substantially make the bid criteria data satisfy the selling criteria data (column 13, line 65-column 14, line 35, the system automatically defines a discount from the third party, e.g. discount on the shipping charges). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Luke to adopt the teaching of Tavor above for the purpose of providing discounts from a third party to the buyers in order to quickly sell the products.

Regarding to claims 2-3, Luke further discloses wherein the selling

criteria data includes an asking price at which the seller will sell the equipment (column 5, lines 63-65). Luke does not disclose wherein the value added by the value adding module is not to the financial detriment of the seller of the used equipment, wherein the value added by the value adding module does not affect the asking price of the seller. However, Tavor discloses wherein the value added by the value adding module is not to the financial detriment of the seller of the used equipment, wherein the value added by the value adding module does not affect the asking price of the seller (column 13, line 65-column 14, line 35, the system automatically defines a discount from the third party, e.g. discount on the shipping charges). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Luke to adopt the teaching of Tavor above for the purpose of providing discounts from a third party to the buyers in order to quickly sell the products.

Regarding to claims 5-8, Luke does not disclose wherein the value added by the value adding module is cash provided by the third party, wherein the third party is a manufacturer of the used equipment, wherein the third party is a manufacturer of equipment, wherein the manufacturer provides the value to sell the used equipment despite the used equipment having been manufactured by a company other than the manufacturer, wherein the company that manufactured the used equipment is a competitor of the manufacturer that is providing the value to sell the used equipment. However, receiving the discount from the manufacturer, e.g. manufacturer coupon is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Luke to adopt the well known

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teaching above for the purpose of providing discounts from a third party to the buyers in order to quickly sell the products.

Regarding to claims 4, 9, 10, Luke does not disclose the third party is a broker who incurs an immediate financial detriment due to the value added by the value adding module, wherein the third party is a dealer of the used equipment, wherein a dealer of equipment and a manufacturer of equipment both contribute resources to provide approximately the value determined by the value adding module. However, such features are well known in the art. For example, automobiles dealers and manufactures of the automobiles. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Luke to adopt the well known teaching above for the purpose of providing discounts from a third party to the buyers in order to quickly sell the products.

Regarding to claims 11-48, Luke does not disclose wherein the value adding module examines a plurality of value adding items to determine which of the value adding items are to be used as the value to be added by the third party, wherein the value adding module determines that at least two of the value adding items are to be used as the value to be added by the third party, wherein the third party adjusts the value determined by the value adding module, etc... However, such features are well known in the art of determining the discount for selling used or new cars at the car dealers. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Luke to adopt the well known teaching above

for the purpose of providing discounts from a third party to the buyers in order to quickly sell the products.

Claim 49 contain similar limitation found in claim 1 above, therefore, is rejected by the same rationale. Moreover, Luke does not disclose receiving over the network from a buyer used equipment search criteria. However, providing the buyer the ability to search for a specific criteria of a product is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Luke to include the feature above for the purpose of providing more easier for the buyer to identify the product with a specific criteria he desires to purchase.

### ***Conclusion***

5. Claims **1-49** are rejected.
6. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Wellman discloses a system and method for matching multi-attribute auction bids.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

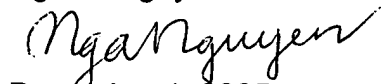
(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen



December 1, 2005